

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FORCINE CONCRETE &
CONSTRUCTION CO., INC.,
Plaintiff,

v.

MANNING EQUIPMENT SALES &
SERVICE, et al.,
Defendants.

CIVIL ACTION

No. 08-2926

ORDER

_____ **AND NOW**, this 14th day of June 2010, for the reasons given in the accompanying opinion, it is hereby **ORDERED** as follows:

(1) The motion to dismiss filed by defendants Somero Enterprises, Inc. and Myron Hillock (Docket No. 4) is **GRANTED IN PART AND DENIED IN PART**. The motion is granted as to Count II of the Complaint and is otherwise denied;

(2) The motion to dismiss filed by defendants John Manning and James Winters (Docket No. 6) is **GRANTED IN PART AND DENIED IN PART**. The motion is granted as to Count I of the Complaint and is otherwise denied; and

(3) The motion to dismiss filed by defendant Patty Clemons (Docket No. 22) is **GRANTED**.

BY THE COURT:

/s/Louis H. Pollak
Pollak, J.